



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2150
Falls Church, Virginia 22041

December 6, 2018

Via U.S. Mail

Matthew Hoppock
MuckRock News
DEPT MR 56736
Somerville, MA 02144-2516

Re: FOIA 2018-48365

Dear Mr. Hoppock:

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) dated August 31, 2018 in which you seek the following:

- Any correspondence [former] EOIR employee Anthony Murry sent or received between June 21, 2018 and the day this request is processed mentioning any of the following keywords: "Pereira" or "Bermudez-Cota" or "Bermudez Cota" or "Notice to Appear" or "Notices to Appear" or "NTA" or "Stop Time" or "Stop-Time"; and
- A copy of Anthony Murry's calendar for the days between June 21, 2018 and August 31, 2018.

As you will be aware, e-mails responsive to the instant request also fell within the scope of your previously-filed FOIA requests 2018-39518 and 2018-40237. Those e-mails, marked as "duplicate" in the enclosed responsive documents, have already been disclosed to you in our response to 2018-39518 and 2018-40237.

Portions of the responsive documents have been redacted in accordance with 5 U.S.C. § 552(b)(5) to protect certain intra-agency communications protected by the attorney-client privilege, the attorney work-product doctrine, and/or the deliberative process privilege.

Additionally, portions of the enclosed documents have been redacted in accordance with 5 U.S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy.

Finally, portions of the responsive documents have been redacted in accordance with U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement

investigations or prosecutions. Exemption (b)(7)(E) extends protection of information related to agency technology systems. *See Levinthal v. FEC*, 219 F.Supp.3d 1, 9 (D.D.C. 2016).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked Freedom of Information Act Appeal.

Sincerely,

Joseph Schaaf

J.R. Schaaf
Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2018-48365